

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 14, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Engineering Consultant
(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 5A9, 5A10 and 5A11 were removed because they were not ready for deliberation.

MOTION by DUNN seconded by NEVERS to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by KRZEMINSKI seconded by BUCCI to approve both bill runs as presented.

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MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on May 24, 2006 were reviewed and there were no additions, corrections or deletions.

MOTION by BUCCI seconded by DUNN to approve the minutes of the meeting of May 24, 2006 as presented.

MOTION carried.

AGENDA ITEMS

5. **Consent Agenda Items:**

A. Clerk's Department:

1. **Request for Model Permits;** Elan Estates Subdivision, Lots 1,2,113 & 114; Parcel No. 08-14-100-003.
2. **Request for Site Plan Bond Return;** Victory Nissan, 23651 Hall Road, Parcel No. 08-36-377-011.
3. **Request for Model Permits;** Lone Star Estates Subdivision, Lots 12,13, 14 & 15; Parcel No. 08-22-400-016.
4. **Request for Ground Sign Bond Return;** Romeo Plank Crossing, 23 Mile Road & Romeo Plank Road; Parcel No. 08-20-200-046
5. **Request for Wall Sign Bond Return;** Body Bronze Tanning; at the Romeo Plank Crossing, 23 Mile Road & Romeo Plank Road; Parcel No. 08-20-200-046
6. **Request for Wall Sign Bond Return;** Jacob Chiropractic; at Romeo Plank Crossing, 23 Mile Road & Romeo Plank Road; Parcel No. 08-20-200-046
7. **Request for Wall Sign Bond Return;** Edibar Systems, Inc, 51520 Regency Drive; Parcel No. 08-17-344-021
8. **Request for Site Plan Bond Return;** Becher Estates Subdivision, north end of Marseilles Drive, Parcel No. 08-21-326-005.

B. Human Resources

1. **Request for a Family Medical Leave of Absence;** Karen Racz, Water & Sewer Department.
2. **Request for a Family Medical Leave of Absence;** Stacy VanReyendam, Finance Section, Clerk's Department.

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3. **Request for a Personal Leave of Absence;** Tom Cook, Fire Department.

C. Water and Sewer Department

1. **Easement Encroachment Agreement,** George & Hope C. Wainz, 52329 Ridgeway Drive, Macomb, MI 48042, Lot 90 Deerwood Subdivision #2.
2. **Easement Encroachment Agreement,** John & Mereesa Platevoet, 54967 Malheur Drive, Macomb, MI 48042, Unit 12, Sumpter Forest Subdivision.
3. **Easement Encroachment Agreement,** Scott T. & Kimberly L. Williamson, 51383 Fantasia Drive, Macomb, MI 48042, Lot 75, Woodside Trails Subdivision.

D. Department Monthly Reports:

1. Building Department
2. Fire Department
3. Macomb County Sheriffs Department
4. Parks and Recreation Department
5. Water/Sewer Department

MOTION by DUNN seconded by NEVERS to approve the consent agenda as amended.

MOTION carried.

6. **Public Comments -** (3 minute time limit)

Mr. David Kupinski, of 47790 Sonnet, expressed his concerns regarding the Water and Sewer work scheduled for his neighborhood. His concerns were addressed by Supervisor Brennan and David Koss, who is the Water & Sewer Superintendent.

PLANNING

7. **Public Hearing on Proposed Zoning Ordinance Amendments - Screening requirements for commercial & industrial zones.**

MOTION by KRZEMINSKI seconded by MALBURG to approve the amendment to Zoning Ordinance Number 10, specifically sections , as follows:

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**TOWNSHIP OF MACOMB
MACOMB TOWNSHIP, MICHIGAN
ZONING ORDINANCE NO. 10 - 30
AMENDMENTS TO THE TOWNSHIP OF MACOMB ZONING ORDINANCE**

An ordinance amending the warehouse and industrial zoning districts to provide for a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area, or maneuvering lane from any parcel zoned or developed for residential use.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF
MACOMB, MICHIGAN ORDAINS:

Section 1. **AMENDMENTS**

The zoning ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb, is hereby further amended as follows:

ARTICLE XIX. WAREHOUSE DISTRICT (WH), SECTION 10.1906(G), SCREENING REQUIREMENTS the text is deleted in its entirety and replaced with the following:

Screening Requirements

Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Sec. 10.1902 or Sec. 10.1903 of this ordinance shall provide a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering lane from any parcel zoned or developed AG, R-1-S, R-1. R-1-E, R-2-L, R-2, R-2-H, R-3, CF or MTC or any residential use. The forty (40) setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Sec. 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

ARTICLE XX. INDUSTRIAL RESEARCH DISTRICT (MR) SECTION 10.2007(G), SCREENING REQUIREMENTS the text is deleted in its entirety and replaced with the following:

Screening Requirements

Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Sec. 10.2002 or Sec. 10.2003 of this ordinance shall provide a six (6) foot

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high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering land from any parcel zoned or developed AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF or MTC or any residential use. Further the forty (40) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Sec. 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

ARTICLE XXI. LIGHT INDUSTRIAL DISTRICT (M-1), SECTION 10.2107(G) SCREENING REQUIREMENTS the text is deleted in its entirety and replaced with the following:

Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Sec. 10.2102 or Sec. 10.2103 of this ordinance shall provide a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering land from any parcel zoned or developed AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF or MTC or any residential use. Further the forty (40) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Sec. 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

ARTICLE XXII. HEAVY INDUSTRIAL DISTRICT (M-2), SECTION 10.2205(G), SCREENING REQUIREMENTS the text is deleted in its entirety and replaced with the following:

Any parcel to be developed with a structure(s) for a permitted use or special land use pursuant to Sec. 10.2202 or Sec. 10.2203 of this ordinance shall provide a six (6) foot high decorative masonry wall and a forty (40) foot setback area separating any structure or the parking of private passenger vehicles or any access drive, service drive, loading area or maneuvering land from any parcel zoned or developed AG, R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF or MTC or any residential use. Further the forty (40) foot setback area must be developed as a greenbelt approved by the Planning Commission. If a common area developed pursuant to Sec. 17-140 of the Township Land Division Regulations exists abutting the required screening referenced above the required screening setback may be reduced to twenty (20) feet. The six (6) foot high decorative masonry wall shall be required regardless of the existence of an adjoining developed common area.

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Section 2. **SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. **PUBLICATION**

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. **EFFECTIVE DATE**

This Ordinance shall take effect seven (7) days after publication.

Section 5. **CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 14th day of July, 2006, by the following vote of the members thereof.

AYES: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS, KOEHS, BRENNAN
NAYS: NONE
ABSENT: NONE

MOTION carried.

8. **Extension of Tentative Preliminary Plat; Battaglia Sub;** Located on the east side of North Avenue, north of Hall Road; Thomas Kellogg, Petitioner. Permanent Parcel No. 08-36-303-024.

MOTION by KOEHS seconded by NEVERS to grant the extension of the Tentative Preliminary Plat for the Battaglia Subdivision for a period of one year.

MOTION carried.

NEW BUSINESS

9. **Request Authorization for Legal Counsel to Defend;** Appeal to the Michigan Tax Tribunal in the matter of Wolverine 25 Mile, LLC vs. Macomb Township.

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MOTION by BUCCI seconded by KRZEMINSKI to authorize Legal Counsel to Defend the Appeal to the Michigan Tax Tribunal in the matter of Wolverine 25 Mile, LLC vs. Macomb Township.

MOTION carried.

10. **Request Authorization for Legal Counsel to Defend;** Appeal to the Michigan Tax Tribunal in the matter of Macomb Land Holding, LLC vs. Macomb Township.

MOTION by KOEHS seconded by DUNN to authorize Legal Counsel to Defend the Appeal to the Michigan Tax Tribunal in the matter of Macomb Land Holding, LLC vs. Macomb Township.

MOTION carried.

11. **Request Authorization for Legal Counsel to Defend;** Zoning Board of Appeals Denial; Master of Macomb Development v Macomb Township.

MOTION by DUNN seconded by KRZEMINSKI to authorize Legal Counsel to Defend the Zoning Board of Appeals Denial; Master of Macomb Development v Macomb Township.

MOTION carried.

12. **Proposed Amendment to the Macomb Township Code of Ordinances;** Chapter 3, Alcoholic Beverages.

MOTION by KRZEMINSKI seconded by BUCCI to adopt the proposed amendment to the Macomb Township Code of Ordinances regarding Chapter 3, Alcoholic Beverages, specifically as follows:

**TOWNSHIP OF MACOMB
MACOMB COUNTY, MICHIGAN
AMENDMENTS TO CHAPTER 3, ARTICLE I,
REGARDING ALCOHOLIC BEVERAGES,
OF THE TOWNSHIP CODE OF ORDINANCES**

Chapter 3, Article I, of the Township Code of Ordinances, is amended to identify offenses which constitute the basis for objecting to the renewal of or revocation of a license and establishes the procedures for revocation or requesting the non-renewal of a license.

Chapter 3, Article I, Section 3-6(b) of the Code, is hereby amended to read as follows:

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(b) Any licensee, officer, shareholder, member, director, etc. of a licensee, who shall violate any of the provisions of the state liquor control act or any rule or regulation of the state liquor control commission promulgated thereunder, or who shall violate any of the provisions of this chapter, and any person who shall prohibit or interfere with an authorized inspection, provided for herein, shall be guilty of a misdemeanor, punishable as provided inspection 1-9 of this Code. In addition to the violations of the State Liquor Control Act and/or State Liquor Control Commission Rules, the forgoing shall constitute violations of this Chapter:

- (1) Violation of the township zoning ordinance;
- (2) Violation of the licensee approved site plan;
- (3) If a temporary certificate of occupancy is issued, failure to obtain a permanent certificate of occupancy within the time established by the Township;
- (4) Violation of a court judgment that supercedes or amends the site plan or site plan modification;
- (5) Real and personal property taxes not paid current;
- (6) Federal and state taxes not paid current;
- (7) Special assessments and/or millages not paid current;
- (8) Water bill not paid current;
- (9) Exceeding occupancy limits and/or failing to post in a prominent location the occupancy limits of the building;
- (10) Violation of the Township fire code;
- (11) Violation of the Township building code;
- (12) Violation of the International Property Maintenance Code;
- (13) Violation of any regulatory or penal ordinance of the township;
- (14) Violation of the Michigan Penal Code;

Chapter 3, Article I of the Code of Ordinances is amended by adding a Section 3-6(c) which section reads as follows:

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- (c) The violations set forth in Section 3-6(b) shall constitute the basis for objecting to the renewal of or revocation of a license.

Chapter 3, Article I, of the Code of Ordinances is amended by adding a section to be numbered 3-7, which section reads as follows:

Sec. 3-7. Procedure for revocation or requesting non-renewal of a license.

- (a) The township will notify licensees of this chapter and any subsequent amendments by first class mail to the last known business address of the licensee as set forth in the application completed by the licensee on file with the township clerk's office.
- (b) The township will conduct a public hearing on the revocation or request for non-renewal of a license. The licensee will be given notice of the date, time and place of the hearing at least thirty (30) days prior to the hearing date. The notice will provide the licensee the following:
 - (1) Date and location of the hearing;
 - (2) Proposed action that the township is considering taking;
 - (3) The detailed reasons for the proposed action (citing specific standards or guidelines the licensee has not complied with);
 - (4) The licensee's rights at the hearing including the opportunity to defend by confronting adverse witnesses and being allowed to present witnesses, evidence and arguments;
 - (5) The licensee's right to be represented by an attorney;
- (d) At the hearing, the licensee will be given an opportunity to defend by confronting any adverse witnesses, presenting evidence and arguments.
- (e) After the hearing, the township will make a written statement of findings and adopt a resolution indicating the specific action requested.
- (f) The township shall send the following documents to the Michigan Liquor Control Commission requesting the Commission take action regarding the township's request for revocation or objecting to renewal of a license:
 - (1) A copy of the standards or guidelines, or description of the guidelines established by the township as to what would constitute

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a basis for objecting to renewal or to revoke the license. This information must include the date of adoption and when publishing in a newspaper, the name of the newspaper and date of publication;

(2) A certified copy of the notice sent to the licensee;

(3) A copy of the proof of service of the notice sent to the licensee;

(4) A certified copy of the resolution adopted by the township objecting to the renewal of the license or requesting that the license be revoked. If a separate statement of finding is made, then a certified copy of that document must also be included. The resolution should not include both an objection to renewal of the license and a request that the license be revoked. If such a resolution is received, the Commission will proceed with the objection to renewal only;

(g) Because all retail licenses expire on April 30th, the township, if objecting to a renewal of a license, the request and all substantiating documents must be received by the Michigan Liquor Control Commission no later than March 31 to be in compliance with the law.

Section 2. **SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. **PUBLICATION**

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb.

Section 4. **EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication.

Section 5. **CERTIFICATION**

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I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 14th day of June, 2006, by the following vote of the members thereof.

AYES: KRZEMINSKI, BUCCI, NEVERS, DUNN, MALBURG, KOEHS, BRENNAN
NAYS: NONE
ABSENT: NONE

MOTION carried.

13. **Request to Set Public Hearing Date;** Lancaster Subdivision, Phases I and II , Street Lighting Special Assessment District.

MOTION by DUNN seconded by KRZEMINSKI to set the date for a public hearing for a Special Assessment District for Street Lighting for Lancaster Subdivision, Phases I and II to Wednesday, July 12, 2006 at 7:00 p.m.

MOTION carried.

14. **Request to Adopt Resolution for Budget Amendments for Fiscal Year 2005-2006.**

MOTION by KRZEMINSKI seconded by NEVERS to adopt the following amendments to the 2005-2006 Fiscal Year Budget:

Law Enforcement Fund expenditures are hereby increased from two million six hundred thirty eight thousand eight hundred fifty dollars (\$2,638,850.00) to two million six hundred forty eight thousand eight hundred fifty dollars (\$2,648,850.00).

Building Authority Fund expenditures are hereby increased from two million nine hundred forty nine thousand nine hundred seventy two dollars (\$2,949,972.00) to three million seven hundred forty nine thousand nine hundred seventy two dollars (\$3,749,972.00).

Retire Health Fund expenditures are hereby increased from zero dollars (\$0.00) to five thousand dollars (\$5,000.00).

Fire Retirement Fund expenditures are hereby increased from thirty four thousand sixty five dollars (\$34,065.00) to thirty six thousand sixty five dollars (\$36,065.00).

AYES: KRZEMINSKI, NEVERS, DUNN, BUCCI, MALBURG, KOEHS, and BRENNAN

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NAYS: NONE
ABSENT: NONE

MOTION carried.

15. **Request to Approve Street Lighting Contract;** Roundabout located at 25 Mile Road and Hayes Road.

MOTION by BUCCI seconded by KOEHS to authorize the Supervisor to sign the contract with Detroit Edison for the Street lighting for the Round About at 25 Mile Road and Hayes Road.

MOTION carried.

16. **Proposed Amendment to the Macomb Township Code of Ordinances;** Chapter 14, Planning, (Fences).

MOTION by KRZEMINSKI seconded by NEVERS to amend the Code of Ordinances relating to fences as follows:

**TOWNSHIP OF MACOMB
MACOMB COUNTY, MICHIGAN
AMENDMENTS TO CHAPTER 14, ARTICLE II,
RESIDENTIAL FENCE REGULATIONS
OF THE TOWNSHIP CODE OF ORDINANCES**

Chapter 14, Article II, of the Township Code of Ordinances is hereby amended to add the definition of a clear vision zone; provide for the height of fences along side and rear lot lines; standards for construction of site obscuring fence adjoining a street right of way; and location of site obscuring fences and privacy screens.

Chapter 14, Article II, Section 14-22, Definitions, is hereby amended to add the definition of Clear Vision Zone as follows:

Clear Vision Zone. A triangular area formed on private property that must be maintained with no plantings, structures, or fences that exceed 18 inches in height. The triangular area is formed by the intersection of the combination of any of the following pedestrian or vehicular means of public or private transportation; sidewalk, pedestrian way, public street, private street, or private driveway. The triangular area is formed by connecting two points that are found on two separate lines along the property lines or driveway lines each twenty-five feet from the point of intersection of any two of the above listed means of transportation.

Section 14-26(b) is deleted in its entirety and replaced with the following:

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No fence or wall shall be more than eight (8) inches wide, including the width of the fence posts. Except as provided herein, fences on the rear or side lot line shall not be higher than four (4) feet. Fences on the side lot line or rear lot line may be six (6) feet in height subject to the written approval of the abutting property owners. The Building Department shall verify ownership based on Township property assessment date maintained in the Office of the Township Assessor. Chain link fences, however, under no circumstances may exceed four (4) feet in height.

Section 14-26(f) is deleted in its entirety.

Section 14-26 is amended to add subparagraph (j) which shall read as follows:

Any sight obscuring fence located along a property line adjoining a street right-of-way shall be erected with the flat side or finished side of the fence panel facing the street.

Section 14-27(a) is amended to add a new sentence at the end of the section which sentence shall read as follows:

No fences shall be constructed in any clear vision zones as defined in Section 14-22.

Section 14-27(c)(2) shall be deleted in its entirety and replaced with the following:

Rear yard abutting a side yard. When a rear yard abuts a side yard, the minimum setback of a sight-obscuring fence may be set back a minimum of one (1) foot, provided that the fence shall not be placed in a triangular area formed by the side lot line and a line perpendicular to the side lot line and parallel to the rear lot line seven and one-half (7.5) feet outside the rear lot line; measuring twenty-five (25) feet along both such lot lines from the corner and a straight line connecting these points.

Section 14-27(c)(3) is deleted in its entirety and replaced with the following:

Rear yard abutting a rear yard. When the rear yard abuts a rear yard where there is neither a side entrance garage nor any possibility of a side entrance garage being located on either lot sharing a rear property line, a sight-obscuring fence may be placed at the property line from the front building line to the rear property line. If a side entrance garage exists or the building official determines that a side entrance garage may reasonably be expected to be constructed on either lot then the provisions of Section 14-27(c)(5) shall apply.

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Section 14-27(c)(5) is deleted in its entirety and replaced with the following:

Rear yard abutting a rear yard with a side entrance garage. When a rear yard abuts a rear yard with a side entrance garage, a sight-obscuring fence may be placed at the property line from the front building line to the rear property line. Except that no fence shall be placed in a triangular area formed by the side lot line adjoining the public street and the edge of a driveway between the property line and the front building line of the garage closest to a rear yard and measuring twenty-five (25) feet along both lines. In addition, if the edge of the drive nearest to the front property line is in the rear yard setback no fence shall be placed in a triangular area formed by the side lot line adjoining the public street and the edge of a driveway between the side lot line and the front building line of the garage closest to the front yard and measuring twenty-five (25) feet along both lines.

Section 14-27(e) is deleted in its entirety and replaced with the following:

Rear/side yard abutting a public road. When a rear/side yard abuts a public road, defined as a major road in the township master thoroughfare plan, a fence may be permitted on the lot line opposite the local street line.

Section 2. **SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. **PUBLICATION**

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb.

Section 4. **EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication.

Section 5. **CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 14th day of June, 2006, by the following vote of the members thereof.

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**AYES: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS, KOEHS,
BRENNAN**
NAYS: NONE
ABSENT: NONE

MOTION carried.

FIRE DEPARTMENT

17. Request to purchase EMT Basic medical equipment.

Fire Chief Robert Phillips reviewed this request and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to purchase the EMT Basic equipment as recommended by the Fire Chief.

MOTION carried.

18. Request to sell 1991 Chevrolet Pickup Truck.

Fire Chief Robert Phillips reviewed this request and stated the 15 year old vehicle has served the department well, but due to mounting maintenance costs he recommends that it be sold.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the Fire Chief to sell by sealed bid the 1991 Chevrolet Pick Up Truck in 'as is' condition.

MOTION carried.

19. Request to purchase Computer Equipment

Fire Chief Robert Phillips reviewed this request and stated this equipment will expedite the processing of fire inspections and assist in providing the information needed to the appropriate related departments.

MOTION by KOEHS seconded by NEVERS to approve the request to purchase the computer equipment as presented by the Fire Chief.

MOTION carried.

PARKS & RECREATION DEPARTMENT

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20. **Request to Purchase Dug Out Coverings**

Salvatore DiCaro, Parks and Recreation Director, reviewed this request for the improvements to the baseball field dugouts and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the request for the purchase of dugout covers as requested by the Parks and Recreation Director.

MOTION carried.

HUMAN RESOURCES DEPARTMENT

21. **Request to Recruit a Human Resources Specialist for Benefit Administration.**

John Brogowicz, Human Resource Director, reviewed this item and indicated that he would like to fill the vacant position as soon as possible.

MOTION by DUNN seconded by KRZEMINSKI to authorize the Human Resource Director to initiate the process for recruiting and hiring a Benefit Administration Specialist.

MOTION carried.

22. **Request to Hire a Broadcast Media Access Producer/Writer.**

John Brogowicz, Human Resource Director, reviewed this item and indicated that he is recommending that the Board of Trustees offer employment to Jason Berndt for the position of Broadcast Media Access Producer/Writer.

MOTION by DUNN seconded by NEVERS to authorize the hiring of Jason Berndt as a Broadcast Media Access Producer/Writer.

MOTION carried.

WATER AND SEWER DEPARTMENT

23. **Authorization to proceed, Romeo Plank Water Main Replacement Project.**
David Koss, Water & Sewer Superintendent, reviewed this item and stated his recommendation to proceed with the project.

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MOTION by BUCCI seconded by KRZEMINSKI to authorize the Water and Sewer Department to proceed with the Romeo Plank Water Main Replacement Project.

MOTION carried.

24. **Request to Adopt Resolution One – Direct the Engineer to Prepare the Project Plan and Estimate;** Special Assessment District, Sonnett & Rochelle Drive Sanitary Sewer; MA087-S.

David Koss, Water & Sewer Superintendent, reviewed this item along with James VanTiflin, Consulting Engineer, and they both stated their recommendation to authorize the Engineers to prepare the Project Plan and Estimate.

MOTION by KRZEMINSKI seconded by BUCCI to authorize the Engineers to prepare the Project Plan and Estimate for Special Assessment District, Sonnett & Rochelle Drive Sanitary Sewer; MA087-S.

MOTION carried.

25. **Request to Adopt Resolution Two – Schedule Public Hearing Date on Hearing of Necessity;** Special Assessment District, Sonnett & Rochelle Drive Sanitary Sewer; MA087-S.

David Koss, Water & Sewer Superintendent, reviewed this item and stated his recommendation to proceed with the scheduling the date for the hearing of necessity on this matter. Clerk KOEHS recommended Wednesday, July 12 as the date.

MOTION by DUNN seconded by KRZEMINSKI to set Wednesday, July 12, 2006 as the date for the Hearing of Necessity for the Special Assessment District, Sonnett & Rochelle Drive Sanitary Sewer; MA087-S

MOTION carried.

26. Authorization to proceed, Rochelle-Sonnett Water main Replacement Project

David Koss, Water & Sewer Superintendent, reviewed this item and stated his recommendation to proceed with the project in conjunction with the sanitary sewer project as described earlier.

MOTION by KOEHS seconded by BUCCI to authorize the Water and Sewer Department to proceed with the Rochelle-Sonnett Water Main Replacement Project.

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MOTION carried.

BOARD COMMENTS

- 27. Supervisor Comments: NONE
- 28. Clerk Comments: NONE
- 29. Treasurer Comments: NONE
- 30. Trustees Comments: NONE

EXECUTIVE SESSION

MOTION by MALBURG seconded by BUCCI to adjourn to Executive Session.

MOTION carried. (Adjourned to Executive Session at 7:42 p.m.)

(Returned from Executive Session at 8:10 p.m.)

- 31. **Consideration of Consent Judgment; Michael Magnoli v Macomb Township.** Circuit Court Case No. 06-0795-CZ

MOTION by KOEHS seconded by NEVERS to authorize legal counsel to continue negotiations in this matter.

MOTION carried.

- 32. **SEMCO Energy Gas Company v Macomb Township;** Consideration of Appeal Settlement, Docket Numbers: 260994, 260995 & 206996.

MOTION by KOEHS seconded by DUNN to approve the settlement in the matter of SEMCO Energy Gas Company v Macomb Township, Docket Number 260994.

MOTION carried.

MOTION by KOEHS seconded by KRZEMINSKI to approve the settlement in the matter of SEMCO Energy Gas Company v Macomb Township, Docket Number 260995.

MOTION carried.

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MOTION by KOEHS seconded by MALBURG to approve the settlement in the matter of SEMCO Energy Gas Company v Macomb Township, Docket Number 260996.

MOTION carried.

33. Easement Acquisitions; Water & Sewer Projects

MOTION by KOEHS seconded by KRZEMINSKI to approve the acquisition of easement for the following parcels: 08-22-200-008, 08-22-200-010, 08-22-400-001, 08-22-400-008 and 08-22-400-035; at six thousand two hundred dollars (\$6,200.00) each.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by NEVERS to adjourn the meeting at 8:15 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk